

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

**MOTIONS FOR RELIEF FROM STAY**

**NOTICE TO MOVANT**

THIS MATTER WILL BE REMOVED FROM THE CALENDAR IF THE COURT DOES NOT RECEIVE PROOF OF SERVICE WITHIN **12 DAYS** OF THE FILING ACCORDING TO THE FOLLOWING INSTRUCTIONS.

SERVICE: (SEE BANKRUPTCY RULE 7004)

ON WHOM:

You should serve a copy of the motion and a copy of the Summons on the:

- debtor(s)
- debtor(s)' attorney
- trustee
- all parties with any security interest in the property, and
- any other party that you believe may have an interest in the matter.

NOTE: IN A CHAPTER 11 THE U.S. TRUSTEE MUST BE SERVED.

METHOD OF SERVICE:

You may serve the motion and summons by first class mail, by certified mail, or by use of a constable or other disinterested person age eighteen or older. Review the applicable bankruptcy and federal rules for complete information and additional methods. The proof of service on the reverse of the summons form must be completed and the summons form returned to the court within 12 days after the motion is filed.

**PROPER SERVICE IS YOUR RESPONSIBILITY.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

**REQUIREMENTS FOR JOINT PRETRIAL ORDER**

Local Bankruptcy Rule 38 specifies the procedures for the filing of a Joint Pretrial Order. The preparation and filing of the Joint Pretrial Order serves to facilitate and expedite the court hearing (but is not intended to force agreement where there is genuine disagreement). Accordingly, counsel and pro se parties are instructed to adhere to the form of order set forth below.

The Joint Pretrial Order **MUST** be signed by all counsel (or pro se parties, if applicable), involved in the litigation. One sided orders will be returned as defective. Parties should refer to Local Rule 38 for the proper procedure, when obtaining cooperation is difficult. Counsel are required to file the Original and Two (2) copies of the Joint Pretrial Order, AND three (3) copies of all exhibits. In addition, the attached Exhibit List must also be completed and affixed. Unless specifically in dispute, the underlying loan documentation should not be filed as an exhibit. In addition, in chapter 11 cases (including adversary proceedings) the local office of the U.S. Trustee must be served with a copy of the Joint Pretrial Order, the exhibit list and the exhibits.

**THE JOINT PRETRIAL ORDER SHALL CONTAIN THE FOLLOWING NUMBERED PARAGRAPHS:**

1. Facts which are admitted and require no proof;
2. Issues of fact remaining to be litigated; evidence at trial will be limited to these issues and to the issues of law designated in Paragraph 5 below;
3. A list of proposed witnesses for the Plaintiff and for the Defendant, with a brief statement as to the capacity in which each will testify;
4. A list of exhibits to be offered at trial by each party (other than those to be used for impeachment):
  - a. in the sequence proposed to be offered;
  - b. with a description of each, sufficient for identification;
  - c. with a statement of any objections reserved as to admissibility;
  - d. with a statement confirming that parties have exchanged copies of all exhibits.

**NOTE: All exhibits listed are full exhibits unless objection is reserved, and are to be marked prior to trial. Attorneys are responsible for providing copies of exhibits for all counsel, witnesses and other parties.**

5. The issues of law to be determined with reference to appropriate statutory and/or common law authorities; evidence at trial will be limited to these issues and to the issues of fact stated in paragraph 2 above.
6. The position of other lienholders (if a relief from stay matter);
7. That all discovery has been completed;
8. Whether or not the parties believe that the matter should be referred to a settlement judge prior to trial. The Court will review the joint pretrial order and issues in dispute, to determine whether the matter is one that might benefit by referral to a settlement judge prior to trial. If the Court concludes that a settlement conference is warranted, an order to that effect will issue; and
9. That the parties are ready for trial, together with the estimated time for the entire trial/hearing.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

IN RE

BANKRUPTCY NO. \_\_\_\_\_

DEBTOR

ADVERSARY NO. \_\_\_\_\_

Plaintiff

vs

Defendant

FOR COURT USE ONLY

JUDGE \_\_\_\_\_

COURT REPORTER \_\_\_\_\_

HELD  
AT \_\_\_\_\_

DATE \_\_\_\_\_

**EXHIBIT LIST**

PARTY'S NAME: \_\_\_\_\_

		** FOR COURT USE ONLY **					
EX. NO.	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T	D A T E	DISPOSITION AFTER TRIAL

(Note: This Exhibit List is to be prepared in advance of the date of trial by counsel for all parties and furnished to the Court in duplicate and served on opposing counsel.)



IN RE:

BANKRUPTCY NO. \_\_\_\_\_

DEBTOR

ADVERSARY NO. \_\_\_\_\_

**EXHIBIT LIST CONTINUED**

PARTY'S NAME:

		** FOR COURT USE ONLY **					
EX. NO.	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T	D A T E	DISPOSITION AFTER TRIAL

(Note: This Exhibit List is to be prepared in advance of the date of trial by counsel for all parties and furnished to the Court in duplicate and served on opposing counsel.)